



Senate

General Assembly

File No. 166

January Session, 2001

Substitute Senate Bill No. 1379

Senate, April 9, 2001

The Committee on Public Safety reported through SEN. PENN of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CREATING A FIREARMS EVIDENCE DATABANK.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) (a) As used in this section:

2 (1) "Firearms evidence databank" means a computer-based system
3 that scans a test fire and stores an image of such test fire in a manner
4 suitable for retrieval and comparison to other test fires and to other
5 evidence in a case;

6 (2) "Firearms examiner" means a person trained to identify and
7 compare characteristics on a bullet, cartridge case, or fragment of a
8 bullet or cartridge case, produced when ammunition is discharged in a
9 handgun, and to determine the handgun from which the bullet,
10 cartridge case or fragment of a bullet or cartridge case was fired;

11 (3) "Handgun" means any firearm capable of firing rim-fire or
12 center-fire ammunition and designed or built to be fired with one
13 hand;

14 (4) "Laboratory" means the Division of Scientific Services forensic
15 science laboratory within the Department of Public Safety;

16 (5) "Police department" means the Division of State Police within the
17 Department of Public Safety or an organized local police department;

18 (6) "Test fire" means, depending on the context in which the phrase
19 is used, (A) discharged ammunition consisting of a cartridge case or a
20 bullet or a fragment thereof, collected after a handgun is fired and
21 containing sufficient microscopical characteristics to compare to other
22 discharged ammunition or to determine the handgun from which the
23 ammunition was fired, or (B) the record of such microscopical
24 characteristics.

25 (b) (1) The Division of Scientific Services shall establish a firearms
26 evidence databank. Test fire evidence submitted to the laboratory or
27 collected from handguns submitted to the laboratory shall be entered
28 into such databank in accordance with specific procedures adopted by
29 the Commissioner of Public Safety, in the regulations adopted
30 pursuant to subsection (f) of this section.

31 (2) The firearms evidence databank may be used by laboratory
32 personnel to (A) compare two or more cartridge cases, bullets or other
33 projectiles submitted to the laboratory or produced at the laboratory
34 from a handgun, or (B) upon the request of a police department as part
35 of a criminal case investigation, verify by microscopic examination any
36 resulting match, and shall produce a report stating the results of such a
37 search.

38 (3) Any image of a cartridge case, bullet or fragment thereof that is
39 not matched by a search of the databank shall be stored in the
40 databank for future searches.

41 (4) The Division of Scientific Services may permit a firearms section
42 of a police department that complies with all laboratory guidelines and

43 regulations adopted by the commissioner regarding the operation of
44 the firearms evidence databank to (A) collect test fires from handguns
45 that come into the custody of the police department, (B) set up a
46 remote terminal to enter test fire images directly into the databank,
47 and (C) search the databank.

48 (c) (1) Except as provided in subdivision (4) of subsection (b) of this
49 section and subsection (d) of this section, a police department shall
50 submit to the laboratory any handgun that comes into police custody
51 as the result of a criminal investigation, as found property, or for
52 destruction, prior to the return or the destruction of the handgun.

53 (2) The laboratory shall collect a test fire from each submitted
54 handgun within sixty days of submission. The laboratory shall label
55 the test fire with the handgun manufacturer, type of weapon, serial
56 number, date of the test fire and name of the person collecting the test
57 fire.

58 (d) (1) A police department shall collect a test fire from every
59 handgun issued by that department to an employee. Any police
60 department may request the assistance of the Division of State Police
61 or the laboratory to collect a test fire.

62 (2) The police department shall seal the test fire in a tamper-evident
63 manner and label the package with the handgun manufacturer,
64 handgun type, serial number and the name of the person collecting the
65 test fire. The police department shall submit the test fire and two intact
66 cartridges of the same type of ammunition used for the test fire to the
67 laboratory.

68 (e) The laboratory may share the information in the firearms
69 evidence databank with other law enforcement agencies, both within
70 and outside the state, and may participate in a national firearms
71 evidence databank program.

72 (f) The commissioner shall adopt regulations, in accordance with the
73 provisions of chapter 54 of the general statutes, to carry out the
74 purposes of this section.

Statement of Legislative Commissioners:

In subsection (b)(1), "in accordance with the provisions of chapter 54 of the general statutes" was replaced with "in the regulations adopted pursuant to subsection (f) of this section" for accuracy of reference, and in subsection (b)(2), "search the databank" was deleted to avoid repetition within the provision.

PS JOINT FAVORABLE SUBST.-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Cost

Affected Agencies: Department of Public Safety (Division of Scientific Services)

Municipal Impact: Potential Minimal Cost to the 89 Municipalities with Organized Police Departments

Explanation**State and Municipal Impact:**

This bill would result in minimal costs to the state and in potential minimal costs to municipalities with organized police departments that could be absorbed within existing resources. The bill requires the Division of Scientific Services in the Department of Public Safety (DPS) to establish a firearms evidence databank. This evidence consists of the unique markings and impressions that each gun leaves on bullets and bullet casings. DPS has already established a firearms evidence databank and routinely records and enters firearms data.

The commissioner of DPS is required to adopt regulations on the procedures for testing and storing the data. Regulations would be adopted with minimal cost and within existing resources, since the Division of Scientific Services already has established such standards.

The bill also requires local police departments to submit all

handguns that come into their possession for laboratory test firings. The division may give approval to local police departments to collect and input firearms data if they meet the commissioner's guidelines. Local departments must also test the handguns they issue to their employees for inclusion in the database. DPS will conduct the tests upon request. Many local police departments already send such handguns to DPS for testing and disposal. This could result in minimal costs to the municipalities with organized police departments that are anticipated to be absorbed within existing resources.

OLR Bill Analysis

sSB 1379

AN ACT CREATING A FIREARMS EVIDENCE DATABANK.**SUMMARY:**

This bill requires the Department of Public Safety's Division of Scientific Services to establish a firearms evidence databank. The division must take and store in the databank photographs of handgun "test fire" evidence-- discharged ammunition and the unique markings or impressions each gun leaves on bullets and bullet casings (ballistic data or fingerprints). It must enter the ballistic data in the databank in accordance with procedures and regulations the public safety commissioner must adopt. The division may let police departments that comply with the guidelines and regulations enter data directly into, and search, the database. It may (1) use the database to search for matching gun fingerprints, (2) share databank information with law enforcement agencies throughout the country, and (3) participate in a national firearms evidence databank program.

EFFECTIVE DATE: October 1, 2001

FIREARMS EVIDENCE DATABANK***Databank's Purpose***

The databank must photograph and store images of handgun "test fires" so they can be retrieved and compared to other test fire images and other evidence in a case. The bill defines "test fire" as (1) a discharged cartridge case, or bullet or fragment from a handgun, containing sufficient microscopic characteristics to compare to other discharged ammunition or to determine the handgun from which it was fired or (2) the record of such characteristics.

The bill defines a handgun as any gun capable of firing rim-fire or center-fire ammunition and designed or built to be fired with one

hand.

Laboratory personnel must enter in the databank, according to the commissioner's regulations, test fire data they get or collect from handguns submitted to them. They may use the database to search for matching fingerprints. If they conduct any search at a police department's request, they must produce a report of the results. They must store for future searches any test fire image not matched by a databank search.

Local Police Responsibilities

The bill requires police departments to submit to the laboratory all handguns that come into their custody as found property, for destruction, or as the result of a criminal investigation before they return or destroy them. The laboratory must test fire the guns and collect ballistic data from them within 60 days of getting them. It must label the data with the manufacturer's name, weapon type, serial number, date of the test, and the tester's name.

The division may permit a police department firearms section that complies with the commissioner's guidelines and regulations for operating a databank to collect ballistic data from handguns that come into its custody, set up a remote terminal to enter the data directly into the data bank, and search the databank.

The bill requires police departments to test handguns they issue to employees and submit to the laboratory the ballistic data from each test in a sealed tamper-evident package along with two intact cartridges of the same type of ammunition used in the test. They must label the package with the same information that the laboratory must include. They may ask the State Police to help with the tests.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Report

Yea 22 Nay 0

